

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:18-CR-00721 HEA
	)	
JUSTIN GENE GRIEGO,	)	
	)	
	)	
Defendant.	)	

**GOVERNMENT’S SENTENCING MEMORANDUM**

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Lindsay McClure-Hartman, Assistant United States Attorney for said District, and for its Sentencing Memorandum, states as follows:

On January 6, 2020, Defendant Justin Gene Griego pleaded guilty to one count (Count III) of an eight count Indictment charging him with Uttering Counterfeit Securities in violation of Title 18, United States Code, Section 1472 and 2.

I. Determination of the Guideline Range

In the plea agreement, the parties estimated the Base Offense Level to be **nine (9)** as found in Section 2B5.1(a) of the United States Sentencing Guidelines (hereinafter “USSG”). The Government’s position is that the counterfeit currency passed by Defendant was genuine United States currency paper from which the ink or other distinctive counterfeit deterrent was completely or partially removed resulting in an increase of **two (2)** levels pursuant to USSG Section 2B5.1(b)(2)(B)(ii). The defendant’s position is that this specific offense characteristic does not apply. The Government’s Adjusted Offense Level calculation is **eleven (11)** with a reduction of

**two (2)** points for acceptance of responsibility, resulting in a Total Offense Level of **nine (9)**. The U.S. Probation Officer also determined that the Total Offense Level is **nine (9)**. PSR ¶¶43-52. This results in a guideline imprisonment range of 18-24 months.

For the reasons detailed below, the Government requests a sentence of **five years-probation** consistent with 18 U.S.C. §3561(c)(1). Defendant is also recommending a sentence of probation in this case, but is requesting a term of three years.

## II. Sentencing Objectives

Pursuant to 18 U.S.C. § 3553(a)(2), a court's imposed sentence must reflect the seriousness of the offense, promote respect for the law, provide just punishment, and afford adequate deterrence. A sentence of **five years-probation** would adequately address these sentencing goals in the instant case. As outlined by the U.S. Probation Officer, Defendant struggles with opioid addiction and is under the care of a physician from whom he receives ongoing medication-assisted treatment. PSR ¶110. During the period of Defendant's pre-trial release, he has maintained his sobriety and has had no reported violations, with the exception of one self-reported incident on June 4, 2019. PSR ¶10. The Government's position is that it is in the best interest of Defendant's sobriety and rehabilitation to have a longer term of probation. The incident in June indicates that Defendant benefits from the added accountability of supervision and reporting. Defendant has shown that he can perform well under supervision, and by providing him with a five year term of probation, Defendant will be able to continue to receive resources and accountability for a longer period of time, aiding in permanent sobriety and rehabilitation. The request for a term of five years-probation is reasonable given Defendant's guidelines' calculation and the 3553(a) factors present in this case.

WHEREFORE, based on the analysis of the aforementioned §3553(a) factors, the Government respectfully requests that the Court impose a sentence of **5 years-probation** in this case.

Respectfully submitted,

JEFFREY B. JENSEN  
UNITED STATES ATTORNEY

/s/ Lindsay McClure-Hartman

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2020, the foregoing was filed electronically with the Clerk of the Court, under seal, and was served by electronic mail upon defense counsel.

/s/ Lindsay McClure-Hartman

Lindsay McClure-Hartman, #66070MO

ASSISTANT UNITED STATES ATTORNEY